IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 5675 of 2005(A)

PETITIONERS:
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1. **BIJU R., CASHIER,**
   ELECTRICAL DIVISION, PATHANAMTHITTA.

2. **JERIN AGNEL LUDOVIC,**
   CASHIER, ELECTRICAL SECTION,
   KILIKOLLOOR, KOLLAM.

3. **ANILKUMAR S., CASHIER,**
   ELECTRICAL CIRCLE, POWER HOUSE,
   TRIVANDRUM.

4. **V.SATHISHKUMAR,**
   CASHIER, OFFICE OF THE DY. CHIEF ENGINEER,
   TRANSMISSION CIRCLE, VYDHYUTHI BHAVAN,
   PATTOM, TRIVADNRUM.

5. **SURESHKUMAR T., CASHIER,**
   OFFICE OF THE CHIEF ENGINEER(TC & M),
   VYDHUTHI BHAVAN, PATTOM, TRIVANDRUM.

6. **G.L.ASOK KUMAR,**
   CASHIER. ELECTRICAL SECTION,
   PONNANI, MALAPPURAM.

7. **ANASWAR A.S.,**
   CASHIER, ELECTRICAL SECTION,
   VIZHINJAM,TRIVANDRUM.

BY ADV. SRI.S.MOHANDAS,
SRI.P.K.SIVADASAN NAIR.

W.P.(C). NO.5675/2005:

RESPONDENTS:
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1. **K.S.E.B. PATTOM, TRIVANDRUM,**
   REP. BY TIS SECRETARY.

2. **STATE OF KERALA, REP. BY ITS**
   PRINCIPAL SECRETARY TO THE GOVERNMENT, POWER(A)
   DEPARTMENT, GOVT. SECRETARIAT, TRIVANDRUM.

3. **SECRETARY,**
   KERALA PUBLIC SERVICE COMMISSION, PATTOM,
   TRIVADNRUM.

4. **K.A.SULTAN MAITHEEN, SR. SUPDT.,**
   OFFICE OF THE DY CHIEF ENGINEER,
   ELECTRICAL CIRCLE, KOZHIKODE.

5. **S.SANNASI, SR. ASSISTANT,**
   OFFICE OF THE EXECUTIVE ENGINEER,
   L.P.ACCOUNTS CLOSING UNIT, VAZHATHOPPU, IDUKKI.

6. **SAJI T.P., SR. ASSISTANT,**
   ELECTRICAL CIRCLE,
   MANJERI, MALAPPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB,
SRI.ALEXANDER THOMAS,SC,KPSC,
SRI.RATHEESH.P.R,
SRI.R.VINOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5675/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RECRUITMENT RULES PUBLISHED BY ORDER B.O. NO. E.C.IV-6270/67 DT. 29/01/1971.

EXT.P.2: COPY OF THE RULES PUBLISHED BY B.O. (FB) NO. 3099/2004 DT. 08/12/04.

EXT.P.3: COPY OF THE ORDER DT. 29/03/80 ISSUED BY KSEB.

EXT.P.4: COPY OF THE LETTER DT. 10/08/2001 ISSUED BY PSC.

EXT.P.5: COPY OF THE ORDER DT. 23/12/2000 ISSUED BY R.1.

EXT.P.6: COPY OF THE LETER DTD. 14/03/2002 ISSUED BY GOVT.

EXT.P.7: COPY OF THE LETTER DTD. 21/11/02 ISSUED BY PSC.

EXT.P.8: COPY OF THE ENDORSEMENT NO. EB3/101/87 DT. 16/11/1987 ISSUED BY THE KSEB.

EXT.P.9: COPY OF THE ENDORSEMENT NO. EB3/1000/96 DT. 17/01/1997 ISSUED BY KSEB.

EXT.P.10: COPY OF THE ENDORSEMENT NO. EB3/ (B) 333/2004 DT. 09/11/2004 ISSUED BY KSEB.

EXT.P.11: COPY OF THE REPRESENTATION DT. 12/11/04 SUBMITTED BY P.5. TO KSEB.

EXT.P.12: COPY OF THE CIRCULAR DT. 24/01/2005 ISSUED BY KSEB.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR , J.

Writ Petition (C) No.5675 of 2005

Judgment

The petitioners are Junior Assistants, working in the Electricity Board. They were appointed to that post during the years 1999-2000 and 2000-01.This Writ Petition is filed by them, challenging Ext.P3 Board order dated 29.03.1980. Out of the total number of vacancies in the cadre of Lower Division Clerk (now renamed as Junior Assistant), 20% is reserved to be filled up by transfer/promotion. Out of the said 20%, 15% is set apart for lower grade employees. By Ext.P2 amendment to the Rules dated 08.12.2004, the Electricity Worker was also included among the definition of 'lower grade employees' eligible to be considered for appointment by transfer/promotion to the post of Lower Division Clerk/Junior Assistant. Ext.P3 is an executive order, issued by the Board on 29.03.1980. By the said order, the Office Attendants were also made eligible to be considered for appointment as Junior Assistants. The said channel of appointment also relates to the 15% quota reserved for departmental hands. The petitioners challenge Ext.P3, saying that their promotion chances to the post of Senior Assistant/UDC are affected by the expansion of feeder category for appointment to the post of LDC/Junior

Assistant. They also seek consequential reliefs. The grievance sought to be raised by the writ petitioners is plainly untenable. They are not concerned, how many categories are included as feeder category for appointment to the 15% quota reserved for departmental hands. Even if the category mentioned in Ext.P3 is excluded, those vacancies will be shared by the categories included in Exts.P1 and P2. So the petitioners cannot have any grievance against Ext.P3. Further, they cannot be aggrieved by somebody being appointed to the same post in which they are working. In the result, they cannot be treated as persons aggrieved to challenge that order. Accordingly, the Writ Petition fails and it is dismissed.

16.11.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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